

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	CV 22-05219-JLS (AS)	Date	November 30, 2022
Title	<i>Anthony Jerome Facon v. United States of America, et. al.,</i>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

Not reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not present

Not present

Proceedings (In Chambers):

ORDER TO SHOW CAUSE

On July 26, 2022, Petitioner Anthony Facon filed a Petition for Writ of Habeas Corpus by a Person in Federal Custody, pursuant to 28 U.S.C. § 2241. (Dkt. No. 1).

On October 11, 2022, Respondents Warden Birkolz and United States of America filed a Motion to Dismiss the Petition (“Motion to Dismiss), contending, inter alia, that the Petition is barred by the Collateral-Attack waiver provision in Petitioner’s plea agreement, and that the Court lacks jurisdiction over the petition which asserts claims that must be brought under 28 U.S.C. § 2255. (Dkt. No. 7). On October 12, 2022, the Court issued an Order directing Petitioner to file an opposition or statement of non-opposition to the Motion to Dismiss. (Dkt. No. 10). To date, Petitioner has failed to file a response to the Court’s Order, or request an extension of time to do so.

Therefore, Petitioner is **ORDERED TO SHOW CAUSE**, within **thirty (30) days** of the date of this Order (by no later than December 30, 2022), why this action should not be dismissed for failure to comply with Court orders and/or prosecute pursuant to Fed.R.Civ.P. 41(b)

Petitioner may discharge this Order by filing an Opposition or Statement of non-opposition to the Motion to Dismiss, or by filing a declaration under penalty of perjury stating why he is unable to do so.

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If Petitioner no longer wishes to pursue this action, he may request a voluntary dismissal of this action pursuant to Fed. R. Civ. P. 41(a). A Notice of Dismissal form is attached for Petitioner's convenience.

Petitioner is expressly warned that the failure to timely file a response to this Order will result in a recommendation that this action be dismissed with prejudice for his failure to comply with Court orders. See Fed.R. Civ. P. 41(b).

IT IS SO ORDERED.

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Initials of Preparer _____